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ABSTRACT

Designed for parents, educators, lawyers, and others, this booklet focuses on limited-English-proficient (LEP) students' legal rights to an appropriate education. Contents are as follows: overview of state and federal legal requirements of education programs for LEP students; initial identification of LEP students; requirements for English language development instruction; requirements for the program of academic instruction for LEP students; overview of staffing requirements for LEP education programs; redesignation: LEP readiness for an all-English education program; funding for education programs for LEP students; school and district bilingual advisory committees; and special programs: GATE, special education, and Chapter I. Appended are a language rights checklist, sources of where to turn for help, selected references, and a list of legal authorities. Contains 8 references. (LB)

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THE RIGHTS OF LIMITED ENGLISH PROFICIENT STUDENTS: A HANDBOOK FOR PARENTS AND COMMUNITY ADVOCATES

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Prepared by META, Inc. (Multicultural Education, Training and Advocacy), a private non-profit organization.

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SECTION I

Introduction to META and This Booklet

What is META?

META, Inc. is a private, non-profit national organization devoted to improving educational opportunities for poor and minority children.

What is the purpose of this booklet?

This booklet is designed to inform parents, educators, lawyers and others about the legal rights to an appropriate education of students who are not proficient in English. If you have questions or comments about this booklet, please call or write any of the META staff listed below.

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SECTION II

Overview of State and Federal Legal Requirements of Education Programs for Limited English Proficient Students

Which federal laws guarantee the education rights of limited English proficient (LEP) students?

In 1974, a legal case, Lau v. Nichols brought the issue of the rights of Limited English Proficient (LEP) students to the attention of the Courts and the Congress. The case involved a group of Chinese students who sued the San Francisco Unified School District for failing to provide them with the same educational opportunities as English speaking students. The Court ruled in favor of the Chinese students saying that a school district which provides all pupils, including those who do not speak English, with the same books, teachers and curriculum is not providing equal treatment nor a meaningful education to LEP students. It mandated affirmative programs on behalf of students who do not have English language proficiency.

As a result of the Lau decision, The Congress of the United States passed a federal law which sets the standard for determining whether a school district is meeting its legal obligations to LEP students. These standards are found in the Equal Education Opportunity Act (EEOA), Section 1703 (f). The Act requires that no educational agency (school, school district, county, or state department of education) shall deny equal educational opportunity to any student by failing to overcome the language barrier (lack of English) that keeps that student from learning equally from the education program.

Because section 1703 (f) is very general, we must look to court decisions for guidance. The most important decision interpreting this section of the EEOA is Castañeda v. Pickard. Castañeda determined that in order to comply with 1703 (f) school districts have two basic obligations toward students who are not proficient in English:

1) To provide an education through which these students can learn the English language skills necessary to compete with their English speaking peers; and

2) To ensure that these same students do not suffer academic losses or setbacks because of their lack of English and that they be given equal access to the same curriculum provided to their English speaking peers.

Castañeda provides standards for determining whether or not a school district has met each of the two obligations just described. These standards are:

1) That the educational program for LEP students be based on a theory or theories recognized as sound by experts in the field or which are at least considered to be legitimate experimental theories.

2) That the school district commit the personnel, materials, training and other resources to make sure that the "sound theory" is carried out as it was meant to be. The Court considered well trained teachers to be the most important of the necessary resources.

3) That the school district conduct regular ongoing assessment to ensure that the language barriers are actually being overcome as a result of the school district's education program; and to ensure that while students are learning English they are not suffering any academic losses in other subjects as a result of their not speaking English.

4) If the assessment indicates that the students are not learning English and are not keeping up with the other school subjects as a result of the education program, the program must be changed in a pedagogically sound manner to ensure that these educational goals are met.

All school districts must fulfill these federal legal obligations whether or not there is state law pertaining to the education of LEP students.

What are the additional requirements for education programs for LEP students under California state law?

Until a few years ago California had a state law which described in detail how school districts could and should meet their legal obligations to LEP students. The main provisions of this law "sunset" in 1987. This means that its specific provisions

related to the detailed operations of bilingual education programs ceased to have effect. Nevertheless, virtually every school district receives funding for limited English proficient students from the state. This source of state funds is called EIA/LEP.

In order to receive EIA/LEP funds school districts must meet certain legal obligations which came into effect when the previous law ended and which refer back to this comprehensive law. These obligations are described in Education Code 62000 et seq (the Sunset Provisions). The law requires that 1) districts continue to identify LEP students using the same guidelines as in the old law (See Section III of this booklet), 2) district and school advisory committees continue to function in the same way as was required in the old law (See Section IX of this booklet), and 3) the general purposes of the old bilingual education law continue to be fulfilled. The California Superintendent of Schools at the time of the Sunset, Bill Honig, identified these "general purposes" to be the following:

1) The goal of all programs for LEP students is that the students become fluent in English.
2) The program must provide LEP pupils equal opportunity for achievement including instruction in the student's primary language when necessary.
3) The program must provide positive reinforcement of the LEP student's self image and promote cross cultural understanding.
4) School districts must offer bilingual learning opportunities to all LEP pupils in the public schools.
5) School districts must provide adequate financial support in order to offer such bilingual learning opportunites.
6) Participation in a bilingual program is voluntary on the part of the LEP student's parent or guardian.
7) School districts must provide training for existing and future personnel in the skills necessary to serve LEP pupils.

It is important to note that these state and federal obligations must be met whether or not the state provides special funding for LEP programs. In short, it is no defense for a school district to assert that it cannot meet its obligations because the specific EIA/LEP money has been expended or is insufficient.

How do school districts qualify to receive EIA/LEP funds?

School districts receive these funds based on the number of enrolled students who are limited English proficient and whose families earn below a threshold annual income. (Funds designated as EIA/Comp are available to districts for students whose families earn below the threshold annual income but who are not LEP).
EIA/LEP funds are granted to schools based on an application, called the consolidated application for funds, which districts submit to the California Department of Education. The consolidated application for funds contains information about the school district such as numbers of LEP students, staffing plans, language redesignation procedures, and program quality review data. Such information can be useful for those advocating for improvements in local education progarams for LEP students. Parents and other advocates can request a copy of the consolidated application from their school district or from the California Department of Education. (Address on page 45). Parents should also keep in mind that the chair of the district bilingual advisory committee (DBAC) must sign the consolidated application for funds to indicate the committee's approval of the spending plan and agreement with the information contained in the document. If parents on the committee do not wish to approve the consolidated application they can recommend that their chair not sign the document. When this happens the school district must explain to the California Department of Education why the parent advisory committee declined to approve the application (For more information on advisory committees please see Section IX).

SECTION III

Initial Identification of Limited English Proficient Students

Are there currently legal guidelines for identifying students who are limited in their English skills?

Yes. These requirements are part of state law called the Sunset provisions (Education Code Section 62000 et seq.). The law requires that all districts assess entering students to determine their language skills in English and their first language. Based on this assessment schools determine which students need a specially designed academic program such as bilingual education.

How does the assessment process work?

The identification of students as non English proficient (NEP), limited English proficient (LEP), fluent English proficient (FEP), or "English Only" involves several steps:

Step 1

All students receive a home language survey (HLS) when they enroll at a school. The survey asks about the language the student speaks at home. If all answers on the HLS are "English" then the student is designated as an English only speaker, and is placed in a regular classroom, or receives some bilingual services if the parents wish. If the answer to one or more of the questions on the HLS is any language other than English then the student is assessed further.

Step 2

Students whose HLS indicate that they speak a language other than English at home are given an oral English language test of speaking and comprehension skills. Students in Kindergarten through second grade take only the oral test. If the oral test indicates that a student has a limited knowledge of English (is non English speaking or limited English speaking as indicated by the assessment) then the student should be placed in a bilingual program or some other program which is specially designed to teach LEP pupils English and the other academic subjects.

Step 3

Students who are in grades 3 - 12 must take English reading and writing tests as well as the oral English tests. This is because students in these grades must be able to do more than merely speak and understand English in order to compete in an all English education program. A student in 3rd through 12th grade who speaks, but cannot read or write in English, should be in a bilingual program or some other program designed to ensure that the student learns all the classroom subjects and gains the English skills necessary for academic success in an all English education program. Students in grades 3 - 12 who "pass" the oral, reading and writing tests in English can go on to an all English academic program. These students do not need special help with English nor academic instruction through their first language. However, enrichment in the primary language has been shown to be of academic and intellectual advantage to all students.

Step 4

Students who are determined to be Limited English Proficient (LEP) based on the assessments mentioned above are then tested in their first language. This is to determine the appropriate level of academic instruction in their primary language, and their level of oral and written proficiency in their first language.

Occasionally students score as "limited" in both English and their primary language. A special determination which includes consultation with the student's parents or guardian must be made about what kind of learning program is best for these children. It is a wise policy to retest such students to ensure that the assessments were accurate.

What are the most important factors in ensuring that the initial identification is carried out in the proper way?

1) All testing must be done as soon as possible to ensure that students do not waste precious learning time in classroom situations which are not best for them. The law requires that students be tested in English within 30 days from the time of enrollment, and in their home language within 90 days after they enroll.

2) Appropriate tests must be used to assess the students' skills in both English and the primary language. It is not appropriate for a teacher or any other school personnel to make a determination about a student's English or native language skills without the use of an objective measure such as one of these tests. In California, tests used for oral English assessment must be state approved. Following is a list of the 1991-1992 state authorized tests for comprehension and speaking:

- BINL (K-12)
- BSM I/II (K-12)
- Pre IPT (ages 3-5 only)
- IPT I (K-6): Forms A,B,C, and D
- IPT II (7-12): Forms A and B
- Pre LAS (ages 4-6 only)
- LAS I/II: Forms A and B and the short form (K-12)
- QSE (K-6 only)

Other assessment instruments may be used with a state approved waiver.

3) Any person who is testing children must be qualified and well trained to administer these tests. Appropriate training includes: familiarity with the purpose and administration of the tests, knowledge of the first language of the students, knowledge of the language skills being tested, familiarity with the home culture of the students, and knowledge of the language of the test. Testers without these skills run the risk of misdiagnosing students. This can cause children to be placed in inappropriate education programs which may cause them to fall further and further behind the other students. Bilingual certified teachers are generally the most qualified to administer these tests.

What do the terms NEP, LEP and FEP mean?

NEP means "Non English Proficient". A NEP student demonstrates essentially no knowledge of English on a test of oral English skills. NEP students benefit most from education programs which include extensive English language development and instruction in academic subjects through the students' first language.

LEP means "Limited English Proficient". The LEP student demonstrates little knowledge of English on a test of oral English skills, although he or she may know some conversational English. LEP students should be placed in education programs which include English language development, instruction in the students' native language and, when the student has gained a degree of proficiency in English, some sheltered instruction. (See pages 16-18,21-23)

FEP means "Fluent English Proficient". Kindergarten through second grade students may be FEP based on oral skills alone. In order for a student who is beyond the second grade to be considered FEP, he or she must achieve a "passing" score on oral, reading and writing assessments. A FEP student is usually placed in an all English classroom with no English language development instruction, and no instruction in academic subjects in the student's first language. It should be remembered that FEP students can benefit from enrichment studies in their native language.

The term English Learner or EL, refers to all students (including NEP and LEP) who are not yet fluent English proficient. This term is used currently by many educators.

What are common problems regarding initial identification of students?

1) Incomplete or inappropriate testing, including failure to use approved objective tests or total dependence on the judgment of the teacher and/or principal to determine appropriate student placement.

2) Failure to test the students' skills in English or their home language.

3) Testers who have not been adequately trained and cannot properly explain and administer the tests.

4) Testers who do not speak the home language of the students and who do not understand the students' culture.

5) Failure to test within the prescribed time period (30 days for English and 90 days for the primary language).

6) Classification of students as FEP based on oral skills only. (A conversational knowledge of English is not adequate for students to successfully complete academic school work in English).

7) Failure to assess middle and high school age students (grades 7-12) in reading and writing skills in English and their home language. Our experience is that assessment of older pupils is generally more erratic and less complete than that of primary grade students. We view this as a serious problem which must be corrected in order to ensure that students in grades 7-12 receive an education program which will effectively teach them the English and other skills they will need in order to graduate from high school.

SECTION IV

Requirements for English Language Development Instruction

What is English Language Development Instruction?

English Language Development (ELD) is the part of a program for LEP students which is designed to teach them fluency in English. ELD refers to all instruction with the purpose of teaching fluency in English including English as a Second Language (ESL) instruction.

What does the law say about English Language Development Instruction?

The English Language Development portion of an education program for LEP students is designed to meet the fundamental legal obligation of school districts to provide an education program to "overcome the language barrier" of LEP students.

How do requirements of the Castañeda case (See Section II) apply to a school's ELD instruction?

A school district's English language development instruction must meet the Castañeda standards in order to fulfill LEP students' education rights. These standards are:

1) The program of instruction must be based on sound educational theory recognized by at least some experts in the field. To determine if this is the case we might ask the following questions:

- What is the school's reason for having a particular instructional program?
- What evidence is there that it will work?
- Are those in charge of administering and carrying out the instruction able to state the specific methods and goals of the program of instruction?
- Is there a document in the district which clearly describes the program, its goals and how these will be met?

2) The school district must commit the necessary resources to make sure the sound theory is carried out in the education program.

Castañeda and other court cases identify the well-trained teacher as the most important resource of any education program. To determine if the necessary resources are committed, we should be able to answer "yes" to the following questions:

- Are the teachers who teach in the ELD program well trained in the theory and methods of the program?
- Are the teachers certified by the Commission on Teacher Credentialing (CTC) to work with LEP pupils? (This is the best guarantee that teachers have the necessary skills. Alternatively the teacher must have gone through meaningful training programs offered by the state, county or district).
- Does the district provide ongoing training for teachers and others who work with LEP students (workshops, college classes, etc.)?
- Does the program have sufficient books, tapes, pictures, puppets, and a variety of other materials necessary to carry out the program and are there enough of these materials for all the students to benefit from them?
- Does the district expend the necessary finances in order to keep the program well equipped and staffed? (It is important to remember that school districts receive extra funds for each LEP student).

3) The district must conduct ongoing assessment in order to determine if the program is meeting with success, and must make educationally sound changes in the program if the assessment indicates that it is not successfully serving the students. Questions we might ask in order to determine if this Castañeda standard is being met:

- Are the LEP students growing based on an objective measure of their English language skills?
- Is their growth, as measured by these tests, sufficient? (LEP students should advance at a rate that is considered reasonable by experts in the field. The program should narrow the achievement gap between LEP and non LEP students. A few points growth per year on a standardized test is not sufficient).
- Are LEP students who are reclassified as FEP (Fluent English

Proficient), achieving equally with English speaking peers in all subject areas once they are in an all English program?

How can "Sheltered Instruction" teach LEP students English?

Sheltered instruction is a method of teaching LEP students school subjects through the English language. Sheltered instruction proponents believe that if the teacher uses certain techniques to make English understandable to the students, then they will learn English at the same time as they are learning the subject matter being taught. To make English understandable to LEP students, teachers modify their speech, use few slang or idiomatic expressions, and use pictures, props and gestures. (See pages 17-19 for more about sheltered English)

For sheltered instruction to work well it must meet certain criteria. First of all, the teacher must be well trained in sheltered instruction methods. Many educators recommend also, that the teacher speak and understand the native language of the students in order to verify their grasp of the lessons. Furthermore, it is crucial that the students have a "threshold" level of English; they should not be too limited in their English proficiency. An appropriate threshold, for example, is represented by level 3 on the LAS (Language Assessment Scales) which indicates an intermediate level of oral English knowledge. The only teaching situation where sheltered instruction might be appropriate for students with very limited English skills would be for instruction in certain physical education or art activities which can be easily demonstrated using props, pictures and gestures. Another appropriate application of sheltered instruction for students with a very limited knowledge of English might be for reteaching in English a lesson which has been recently taught in the students' native language. The goal of sheltered instruction is that students fully understand what is being said to them in English so that they can learn from the content instruction and "pick up" English at the same time.

Another important element of a sheltered instruction is that it include the same content and grade level material as that for students in the regular all English program. The curriculum taught

in sheltered insruction should not be a watered down or simplified version of the curricular content for English speaking students. If the students truly have the threshold level of English which educators deem necessary for students to benefit from sheltered instruction, content need not be altered for these students. It is the way of presenting the content which must be adapted for these pupils, not the content itself.

Finally the program must ensure that teachers receive ongoing training in sheltered instruction methods, particularly since these are fairly new and are still evolving. The sheltered instruction program must also have all the necessary props, pictures, and other materials which are so important to the success of this method of instruction.

Unfortunately, there are significant problems with the use of sheltered instruction. One difficulty is that the techniques are relatively new and complicated and most teachers lack expertise in their appropriate use. Many teachers called upon to use sheltered instruction have had only a few hours of workshop or inservice training. Furthermore, though this technique was intended to include primary language instruction for subjects too complex or abstract to be explained using sheltered instruction, and to be used only with students who have an intermediate knowledge of English oral skills, they often do not meet either of these criteria. The result is that often sheltered instruction classrooms are really just all English classrooms with no consideration whatsoever, of LEP students' English language needs.

Sheltered instruction is <u>part</u> of a complete instructional program for LEP students which includes English language development and instruction in the students' primary language. As students learn more English they can learn from more sheltered instruction. However, education experts agree that sheltered instruction is not a substitute for English language development or primary language instruction, and is not a complete and adequate program in and of itself.

We caution parents and others interested in the education of LEP students to be aware of the potential pitfalls of sheltered instruction. We strongly suggest that you find out if the sheltered

instruction in your school is taught by well trained teachers and meets the other criteria discussed above. If not, we advise you to advocate for these elements, or for another type of program such as a bilingual program.

What are some common problems to watch for in English language development programs?

- Few or no teachers who speak the primary language of the LEP students.
- Too many teachers that are "district designated": teachers have been certified by the school district rather than by the California Commission on Teacher Credentialing.
- A program which employs no certified bilingual teachers.
- Overcrowded ELD classrooms.
- Lack of primary language support for LEP students.
- ELD lessons or classrooms which do not have sufficient materials to effectively carry out the lessons.
- ELD programs that do not have clear standards and goals.
- Lack of ongoing training for teachers of LEP pupils.
- Sheltered instruction programs for students who have not reached an intermediate level of English proficiency.
- Sheltered instruction in place of ELD.

Existance of any of these conditions means that the program is not likely to meet the needs of LEP students.

SECTION V

Requirements for The Program of Academic Instruction for LEP Students

What does the law require in regard to the academic program of instruction for LEP students?

One of the fundamental needs which must be met by school districts is to ensure that LEP students do not suffer educational or academic deficits because of their English language limitations. In other words, LEP students should be able to learn the same quantity and quality of information and ideas as the students for whom English is their first or only language.

The Castañeda guidelines apply to this part of the education program for LEP students and Castañeda standards must be met for a program to be educationally appropriate and legally compliant. (See pages 11-13 for the Castañeda guidelines)

What is the best way to ensure that all of the Castañeda guidelines are being met, and that LEP students receive the best opportunity to learn Math, History, Social Sciences and the other school subjects?

The best way to do this has been the subject of debate, experiment and research over the past 25 years. We believe that logic and research suggests that the best way to ensure that LEP students learn English and other academic subjects is through a bilingual program of instruction that includes adequate appropriate use of the home language. California requires bilingual instruction under certain circumstances and permits alternative programs in other circumstances. A district may establish a bilingual program even in those circumstances where it is not mandated.

How do bilingual programs work and how can my child learn English when he is being taught some of the time in his first language?

A bilingual program includes daily instruction in English Language Development. In a bilingual program English language learners are taught most academic subjects through their home language by a teacher who is proficient in that language. Subjects such as Art and Physical Education might be taught from the very

beginning in English using sheltered instruction, since these subjects involve few abstract concepts and can be communicated easily with gestures and demonstrations. More difficult subjects which involve abstract concepts such as Math, Science, Social Studies and Language Arts are taught at first wholly in the students' home language. As students become more proficient in English, more of their academic instruction is carried out in English, using sheltered instruction at first until they are ready to be in an all English program of instruction.

Research on how students learn a second language and how to best ensure academic success for English learners suggests that students who have a strong foundation of learning in their first language ultimately do much better in English language classrooms than pupils who do not have this strong foundation.

What About Sheltered English Instruction?

We believe that bilingual education programs have been shown to be the most effective way of ensuring that LEP students truly learn the academic subjects and fluency in English, and that parents should advocate for a quality bilingual program whenever possible. However there are other types of programs in use, and for a variety of reasons, not every school is offering a bilingual program to every LEP student.

Sheltered instruction has become popular over the last several years. In sheltered instruction lessons teachers use a variety of techniques to teach classroom subjects in English to students who should have an intermediate knowledge of this language. Teachers using sheltered instruction, use few idiomatic or slang expressions, use gestures, pictures, puppets, models, and many other kinds of objects to make themselves understood.

The most important thing to remember about sheltered instruction is that it is an instructional method which is only one <u>part</u> of an appropriate program of instruction for LEP students. It should be used along with other forms of English language development <u>and</u> with primary language instruction.

We must offer several caveats in regard to sheltered English instruction. Sheltered instruction is not an appropriate method for

teaching students who have very little knowledge of English, except those few lessons or topics which can be easily taught using gestures and props and which do not involve complex or abstract ideas. In addition, there is evidence that sheltered instruction is often used by individuals who do not have adequate knowledge or expertise in the appropriate use of this method. Unfortunately, there are many programs which are called "sheltered English" or sheltered instruction programs that are nothing more than mainstream English classrooms. All advocates for an equal and quality education for limited English proficient students must keep these caveats in mind and should verify that the sheltered instruction in their schools is being carried out appropriately.

What are some examples of inappropriate practices which parents should be concerned about?

- "Bilingual" classrooms with teachers who are not bilingual.
- Classrooms where aides do much of the teaching of LEP students.
- Sheltered instruction classrooms which are in reality regular English classrooms, and in which LEP students do not learn because they do not understand the instruction.
- Schools where there are adequate materials for English instruction but inadequate materials for instruction in the students' primary language, even when that language is fairly common such as Spanish or Vietnamese.
- Schools where LEP and FEP students consistently achieve at a lower level than native English speaking students.
- Schools that do not attempt to communicate with parents in their native language and involve them in school affairs.
- Schools where there is an appropriate education program for students in some grades but not in others. There should be a comprehensive program available to all LEP students throughout the grades.

SECTION VI

Overview of Staffing Requirements for LEP Education Programs

What skills should a teacher of LEP students have?

Castañeda and other courts agree that a well trained teacher is the most important resource of any program. A program which is based on the best of educational theories and research can be of little benefit to students, if there are no teachers who can appropriately implement it.

A fundamental skill of any teacher of LEP students is the ability to communicate with these pupils. For students who have very few English language skills, teachers must have some proficiency in the home language of the students. In addition, teachers must have training in methods of teaching English language development and subject matter to LEP students. The best teacher for LEP students is a Certified Bilingual teacher with a Commission on Teacher Credentialing (CTC) credential. The CTC credential ensures that teachers have the necessary skills for teaching LEP students.

What types of credentials prepare teachers to work with LEP students?

Currently the California Commission on Teacher Credentialing (CTC) issues a variety of credentials which qualify teachers to teach LEP students either all subjects or English Language Development only. Following is a summary of what expertise each of these credentials indicates:

Bilingual Specialist Credential:

Teachers who hold this credential are qualified to teach in a bilingual, sheltered English or any other type of program for English learners. They receive this credential after a University training program of approximately two years beyond their Bachelor of Arts degree. The program includes extensive training in methods of teaching English Language Development, primary language teaching techniques, and the culture and home language of the students. This

credential ensures that the teacher who holds it is an expert in teaching both English language development and academic subjects to LEP pupils, and can communicate with the students in their primary language.

When the recently adopted CTC (Commission on Teaching Credentialing) certification standards, called CLAD (Crosscultural, Language, and Academic Development) and B/CLAD (Bilingual CLAD), go into effect this specialist's credential will become even more specialized and advanced. In addition, as a prerequisite, a candidate will have to first earn a B/CLAD authorization. (See below).

Multiple or Single Subject Credential with a Bilingual Emphasis:

A teacher with this credential is qualified to teach in any type of program for LEP students. This teacher received training through a University credentialing program in both English language development and academic subject matter teaching techniques for LEP students as part of a single or multiple subject credential program. Such a teacher has a significant degree of proficiency in the primary language of the students, although he or she may not be fully bilingual and did not receive the advanced credential or training that bilingual specialists do.

Under CTC's new standards this "bilingual emphasis" will become the B/CLAD authorization. The areas of expertise required to earn the B/CLAD include: language structure and first and second language development, methodology of bilingual, English language development, and content instruction, culture and cultural diversity, methodology for primary language instruction in a bilingual setting, the culture of emphasis (ie. Latino, Vietnamese, etc.), and the language of emphasis.

Bilingual Certificate of Competence:

These teachers have proven their competence in the primary language and culture of their students and in teaching methods for LEP students by taking an exam given by the Commission On Teacher Credentialing. Passing the exam qualifies teachers to teach in any type of program for LEP students. Usually these teachers studied on

their own and/or took some college coursework on teaching methods for LEP students and the language of the students. Some teachers gain the skills needed to pass the test through years of experience teaching LEP students. The test requires teachers to demonstrate competence in three areas: teaching methodology, culture, and language. Many teachers receive training for the BCC exam through their school districts or County Office of Education Bilingual Teacher Training Programs (BTTPs). Under CTC's new standards, the BCC exam will be replaced by the B/CLAD exam, which will mirror the skills required to earn the B/CLAD through university coursework.

CLAD Crosscultural Language and Academic Development

New CTC requirements create this additional "emphasis". A CLAD authorization is earned by taking additional coursework while earning the regular single or multiple subject credential. This coursework is designed to provide expertise in teaching English language development and includes skills in the areas of language structure, acquisition and development, bilingual and English-as-a-second-language methodologies, and general concepts and knowledge regarding culture.

Under new CTC standards an LDS specialist will have to earn a CLAD authorization as a prerequisite for the LDS specialist credential, and this credential will reflect a more advanced and specialized degree of expertise than currently required. Eventually the LDS exam given by the CTC will be replaced by the CLAD exam (see above). The CLAD exam content will mirror the content of university coursework for the same authorization.

Language Development Specialist Credential:

Teachers who hold Language Development Specialist (LDS) credentials from the CTC are qualified to teach English language development (ELD) but do not have proficiency in the home language of the students or in techniques of teaching in the primary language. These teachers receive special training in methods of developing English proficiency in LEP students. A teacher with this credential qualifies to teach English as a second language (ESL), ELD, or sheltered English instruction. The LDS credential holder is

also qualified to teach the English language development portion of a bilingual program as long as he or she works with a teacher who has a bilingual authorization in the home language of the students.

District Designated Teachers:

Teachers who are "district designated" are teachers who have not met the qualifications of the CTC as either Language Development Specialists or Bilingual Specialists by taking a required course of University study, or passing the Bilingual Certificate of Competence exam. However, district designated teachers have been judged by their school districts to be competent to teach either ELD, the primary language of the students, or both. Such teachers may be well qualified to teach LEP students based on their teaching and or training experience. However, there is no guarantee from the state credentialing agency (CTC) that they are. Each district uses its own criteria to determine the skills of a district designated teacher, and districts require varying degrees of preparation, training and experience to receive this district designation status. The California Department of Education must approve procedures and standards for district designation. To date only one district statewide has received such approval. Our advice is that parents should verify that the skills and training required for district designation in their school district are adequate. They should also ensure that district designated teachers be required to pursue one of the credentials and/or authorizations mentioned above. Certainly parents should always advocate for the best trained teacher possible.

What are the districts' responsibilities to hire bilingual teachers?

It has consistently been the opinion of the courts that the most important resource in any education program for LEP students is a well trained teacher. Therefore, it is the responsibility of school districts to actively recruit and hire the best trained teachers possible to teach these pupils. Castañeda standards include among these necessary qualifications, teachers who can communicate with their students and who have the necessary pedagogical knowledge and skills to effectively teach these students.

Furthermore, in times of district cutbacks and lay offs, the law protects teachers with special skills to teach LEP students from being laid off, before teachers who do not have such skills. This is true even when teachers without the skills have more seniority than those who have these skills.

Parents of English speaking students would not stand for their children having a teacher who did not speak their language and who had no special skills for overcoming the language barrier. We should not find this acceptable for LEP students either.

Currently there is a shortage of bilingual teachers in California and many districts do not have all of the bilingual teachers they need. However, there are a number of strategies for districts to train more teachers. A recent report from the Superintendent's task force on LEP education issues elaborated many viable strategies for training existing teachers to become bilingually certified and for recruiting more students and other individuals into the bilingual teaching field. This report is available by calling or writing the California Department of Education. (See page 46 for address).

We strongly recommend that you urge your school district to undertake one or more of these strategies if it is lacking teachers. This is one of the best measures you can take to ensure that your children will get a good education from their schools.

Can teachers who do not have bilingual skills legally teach in classrooms with LEP students?

A teacher who teaches English Language Development only may be successful without being able to speak the students' language. However, even in this case there should be a preference for one who does speak the students' home language. Similarly in a sheltered English instruction classroom it is preferred, but not legally required, that teachers speak the language of their students. In a bilingual class the teacher must speak the childrens' language unless it can be established that no such teacher was available and that all reasonable efforts to secure such a teacher were unsuccessful.

In situations where a monolingual English speaking teacher is working with students who speak little or no English, no matter what the program model, the teacher should work with an aide who speaks the language of the students or team teach with a bilingually trained teacher.

What are school districts' responsibilities in regard to providing training and in-service to teachers of LEP students?

School districts are required to provide teachers who work with LEP students with ongoing training in the skills necessary to teach these students, with the ultimate goal of these teachers receiving CTC authorizations.

Common Problems In Teacher Placement and Recruitment

- School districts which give up without an honest effort to recruit teachers who have the bilingual skills and credentials necessary to be effective teachers of LEP children.
- School districts which turn away a certificated bilingual teacher and fill the position with a teacher who lacks language skills or training.
- School districts which designate as a "sheltered English teacher" one who has very little training in sheltered English teaching techniques.
- Schools in which aides or untrained English speaking teachers conduct the English Language Development or ESL classes.

SECTION VII

Redesignation: LEP Readiness for an All English Education Program

What is redesignation?

Redesignation is the term applied to the process of deciding when a student has sufficient knowledge of English to be redesignated as "fluent English proficient" (FEP) rather than "Limited English Proficient" (LEP). A student who is redesignated from LEP to FEP is considered to be ready for an all English program of instruction. Such a program does not include any instruction in the students' primary language or special support of any kind, therefore, this is a very important decision and should be made with objective and thoughtful consideration to ensure that the redesignated student's education does not suffer.

How do teachers and others know when a student is ready for redesignation?

Each school district is required to establish a set of redesignation criteria. A student who does not meet ALL of the criteria is not ready for an all English program of instruction. The criteria to determine a student's readiness should include the following:

1) Teacher evaluation of the student's knowledge of the curriculum. To be ready for redesignation, students should have skills in the curricular subjects which are comparable to skills of nonminority native English speakers of the same age and grade level.
2) Assessment of the student's speaking and understanding skills on a proficiency test administered in English. The student should achieve the publisher's designated score for Fluent English Proficient (FEP) in order to demonstrate readiness for redesignation.
3) Assessment of the student's writing ability in English on a standardized test of writing or a teacher scored writing sample. To be ready for redesignation the student should have writing skills comparable to those of nonminority native English speaking students of the same grade and age.

4) Parents must have the opportunity to review all of the student's redesignation data and to provide an opinion on the redesignation decision.

What if a student speaks English but does not meet the reading and writing criteria for redesignation?

All of the above criteria (1-4) must be met for a student to be ready for redesignation. Remember that redesignation means that the student is considered able to succeed in all school subjects taught in English. The student WILL NOT BENEFIT from moving to an all English program before he or she is ready. In fact, this early redesignation is likely to have a detrimental and often long term effect on a student's education.

Students who move to an all English program before they are ready often fall behind the other students in the class and are never able to catch up because they lack the level of English language necessary to understand abstract concepts and complicated subjects. A student with this lack of "deep English" will have difficulty writing test answers, essays, term papers, etc. in English in a manner which expresses a true understanding of the subject matter. There is good evidence that many of these students eventually give up on school altogether - and drop out.

Students who are redesignated when they ARE ready have a different experience. These students should do at least as well in the English program as they did in the bilingual program. After an initial adjustment period, redesignated pupils should achieve on a par with their native English speaking peers. Studies of redesignated students who were in well implemented bilingual programs until truly ready for all of their instruction in English, show these students to be on grade level in all subjects in English by the sixth grade.

It is essential to the educational well being of your children that the school district establish appropriate redesignation procedures, and that school personnel respect these criteria. As parents and advocates you should ensure that this is being done.

A district has an ongoing responsibility to monitor the progress of a redesignated student for a reasonable time after

redesignation to ensure that the student is able to compete in an all English program of instruction. It is often necessary to provide extra assistance to these students to help them with the adjustment to the new curriculum and to ensure their transition to an all English program is successful.

SECTION VIII

Funding for Education Programs For Limited English Proficient Students

Is there a special funding source for education programs for LEP students?

Basic education programs for students who are not proficient in English are funded through the regular school budget, as are education programs for English speaking students. Schools receive money from the state for every child who attends school each day. This money is called "ADA" (average daily attendance) and makes up the principal portion of every school budget.

In addition to the regular budget, schools receive extra funds for students in a variety of "special" categories. One of these categories is limited English proficient (LEP) students. The program which provides special funds to LEP students is a state program called EIA/LEP (Economic Impact Aid/ Limited English Proficient). The school receives a specific amount of money each year for every student classified as limited English proficient. (See page 5). This money is intended to be supplemental. That means that it is to be used for extras which supplement or add to the basic education program. These extras are "above and beyond" the regular education program. Examples of such supplementary expenditures are for the employment of bilingual aides, stipends for supplemental work done by teachers with bilingual skills, special training designed for teachers who work with LEP students, or the establishment of a language laboratory with special equipment and materials specifically for these students. EIA/LEP funds should not be used for the basic education program expenses such as teacher salaries or the purchase of basic materials like paper, pencils, and textbooks.[1]

Parents should be well aware of this concept of supplemental money. Unfortunately schools sometimes use these funds for regular program expenses rather than specifically to address the education

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[1] Bilingual Teacher Stipend should not be paid for with EIA/LEP funds except to the extent that they represent payment for time spent over and above that spent on the regular duties of a teacher.

needs of LEP students. We strongly advise that parent groups ask to see their school's budget and that they learn to read these documents. Only then will they be able to determine if funds which are intended specifically for their children are being spent appropriately. Parents should remember also that although districts sometimes believe that their obligation to provide a linguistically appropriate program to English Learners stops when the EIA/LEP funds run out, THIS IS NOT THE CASE.

Do school districts have to meet standards to qualify for these funds?

California state law requires that every school district which receives funds through the EIA/LEP program meet the legal requirements of education programs for LEP students which we have discussed in this booklet. (See pages 5-7). The California Department of Education conducts a review of all school districts which receive these EIA/LEP funds every three years to ensure that the district is providing an appropriate program for these students. This review is called the Coordinated Compliance Review or CCR. We advise parents to become aware of when their district is scheduled for a review in order to provide input in the review process and request that programs or aspects of programs which parents may be dissatisfied with, be reviewed. Parents may request a copy of their school district's CCR "notification of findings" from the reviewers or from the California Department of Education (see page 45 of this booklet for CDE address and telephone).

SECTION IX

School and District Bilingual Advisory Committees

Are bilingual parent advisory committees required by law?

Yes. The law continues to require parent bilingual advisory committees at both the district and the school level. Furthermore, school districts must follow California Department of Education (CDE) guidelines which have set the standards for these committees for the last several years.

What is the purpose of these committees?

The legislature's purpose in requiring these committees is to ensure that parents of LEP children have the opportunity to participate in decisions regarding their children's education.

Can participation in these committees really help improve education programs for LEP students?

We highly recommend these committees as a way in which parents can have a positive influence on the education which is provided their children through the public schools. Parents may have an uphill battle in establishing the committess and in enlisting district and/or school cooperation, but we know of many situations where parents have been successful despite lack of initial cooperation from the school district. Parents have an absolute right to participate in these committees and to have their voices heard through them. Perseverance is very important.

What are some general guidelines for the district bilingual advisory committees?

The legislature directed the California Department of Education to formulate guidelines for the district and school level bilingual advisory committees. These suggested guidelines are explained in detail in the publication entitled Guide for Bilingual Education Advisory Committees. (See page 46 for how to obtain this guide).

It is important for parents and other advocates to know that compliance with state guidelines and statute regarding all aspects of the LEP education program including the advisory committees, is reviewed every three years during a school district's Coordinated

Compliance Review (CCR).

Following is a summary of the California Department of Education guidelines for district and school level bilingual advisory committees:

When there are 51 or more LEP students in a school district, the district must establish a district bilingual advisory committee which has the following rights and responsibilities:

Membership and Election:

- Parent members of both the school and district advisory committees must be elected by other parents of LEP students who are NOT school district employees.
- Committees must consist of a MAJORITY of parents of LEP students.
- Other committee members can be teachers, aides, non-parent community members, and an administrator.
- These are PARENT advisory committees, therefore it is the parents who should control the focus and agenda of each meeting.

District responsibilities to the committees:

- School districts must notify in their native language all parents of LEP students of each advisory committee meeting.
- Districts must provide training to both school and district committee representatives in order to help them carry out their duties. Such training might include how to conduct meetings, how to write effective bylaws, information on education programs for LEP students, or parent empowerment training.
- School districts must cooperate with and assist committee members as they pursue their responsibilities.

Purpose and function of the District Advisory Committees regarding the LEP Education Program:

The governing board of the Bilingual District Advisory Committee (DBAC) shall advise the school district on the following:

- Development of a district plan for the education of LEP students.
- Establishment of a timetable for development and implementa-

tion of this plan.

•Assessment of the education needs of LEP students in each school in the district.

• Development of a plan to ensure that the district recruits and hires adequate numbers of teachers with the necessary expertise to teach LEP students.

• Administration of the annual count of LEP and FEP students. (FEP students are fluent English proficient students many of whom were formerly LEP).

The DBAC shall also review and comment on:

• District redesignation procedures (change in classification from LEP to FEP).

• Curriculum materials in the students' native language.

• Bilingual personnel.

• Necessary expertise of assessors of LEP students (those who give tests for redesignation and original identification of students as LEP or FEP).

• The DBAC shall also make budgetary recommendations for all services provided to LEP students.

DBAC responsibilities regarding the functioning of the committee:

• Setting an agenda for each meeting.

• Overseeing that the district sends this agenda to the parents of LEP students before the meeting in their primary language and English.

• Conducting monthly meetings in accordance with this agenda in the language or languages that are most understandable to the parents.

• Adopting by-laws to govern meetings and other committee affairs.

• Planning the training program in cooperation with the district.

• Actively participating in the training program which is designed to provide the necessary skills and practice to carry out all responsibilities and functions mentioned above.

What are some general guidelines for the School Bilingual Advisory Committees?

When there are 21 or more LEP students at a school, the school must establish a School Bilingual Advisory Commitee (SBAC) which has the following rights and responsibilities.

Membership and Election:

- Parent members must be elected by other parents of LEP students at the school. All nonparent candidates and community representatives shall be selected and approved by the committee.
- A majority of the committee members shall be parents or guardians of LEP pupils and shall not be employed by the school district.
- Other members of the committee may include school personnel, other interested parents and community members, and at the secondary level, participating LEP pupils.
- Election and nomination procedures should be established as part of the SBAC bylaws. SBACs may choose to follow the procedures already established in the District Bilingual Advisory Committee bylaws.
- Each SBAC shall have the opportunity to elect at least one member of the DBAC. Districts with more than 30 SBACs may use a system of proportional or regional representation.

SBAC responsibilities regarding committee functions:

- Schedule monthly meetings
- Ensure that meetings are understandable to everycne and arrange for interpreters if necessary.
- Send minutes from the previous meeting and agenda for the upcoming meeting to all parents in their native language.
- Publicize time and location of each meeting.
- Adopt bylaws to govern meetings and overall function of the committees.
- Participate in training which has been decided upon by the committee.

Purpose and function of the SBAC:

- Advise the principal and staff in the development of a detailed master plan for the education of LEP students. The plan should include guidelines for:
  - Identification of students (as LEP, FEP, etc.)
  - Other assessment of students
  - The instructional program including curriculum and materials
  - Redesignation procedures
  - Staffing and staff development
  - Parent involvement
- Develop and approve a budget that reflects the committee's goals and priorities for the education of LEP students at the school.
- Review materials for cultural bias and make recommendations regarding the purchase or development of materials for the LEP education program.
- Participate in the screening and selection for employment of potential staff members.
- Be an advocate for the educational needs of the LEP students from the community.
- Annually review the goals of the advisory committee and the school master plan in order to recommend necessary improvements.

SECTION X

Special Programs: GATE, Special Education and Chapter I

What are GATE programs?

GATE stands for Gifted and Talented Education. GATE programs are designed to provide the challenge and enrichment necessary to help gifted students develop to their full potential. The programs can consist of a variety of models from after school enrichment to pullout programs to special schools and/or classrooms.

Who is considered to be a gifted student?

Education experts identify gifted students as students who have special capabilities or talents significantly beyond their peers. A gifted student might show talent in one or more school subjects such as reading or math, have a dramatic or artistic talent, or demonstrate giftedness in some other way. Gifted students do not necessarily do well in school although their parents, friends and teachers may observe that they have superior capabilities in one or more areas.

LEP and other minority students are under-represented in GATE programs. Testing and education experts agree that this is because the tests currently used to identify gifted students do not accomodate the linguistic and cultural differences of minority children. The usual means of identifying GATE students has been through measures of intelligence which have been shown to favor white middle class children.

What does the law say about LEP students who may be gifted and/or talented?

Parents should know that the law very specifically requires that school districts "seek out and identify gifted and talented pupils from varying linguistic, economic and cultural backgrounds." In order to do this the law states further that "the range of data shall be broad enough to reveal gifts and talents across cultural, economic, and linguistic groups." Such a broad range of data might include student school work, tests, and interviews with students,

parents, teachers, friends and other professionals. Furthermore, the law requires that a person who has in-depth understanding of the pupil's linguistic or cultural group shall participate in the evaluation of the evidence, "unless there is no doubt whatsoever as to the pupil's eligibility."

If you think your child might qualify and you believe that the GATE programs in your school district are good ones, then you should advocate for the appropriate assessment and placement of your child.

What is Special Education?

Special education is the term used to describe education programs for students who have a wide variety of special learning needs such as a learning disability, a condition such as deafness or a developmental disability (retardation).

Special education is another area where students who are not proficient in English are often misdiagnosed. Many LEP students have been placed in special education programs not because they have learning disabilities or other handicaps but because their lack of English is sometimes mistaken for a learning problem. The converse situation also occurs: students who have a learning or other handicap are not identified for special education and do not receive help because they do not speak English. In this case the student's lack of English, and the school personnel's inability to speak the student's native language masks the learning problem.

Are there legal requirements designed to prevent these problems?

Special education law has a number of safeguards which should prevent students from being incorrectly diagnosed as requiring special education, or not being diagnosed when they in fact need special education help. Following is a summary of these requirements:

- Evaluation must be conducted in the student's primary language (unless clearly not feasible).
- A variety of criteria must be used to determine whether or not a student requires special education.
- Evaluation should be conducted by someone who is trained in

assessment of linguistic and culturally different students and who is fluent in the child's language.

- If it is not possible to have a trained bilingual assessor, a trained interpreter must participate in the assessment. (It is a legal violation to have a bilingual person who is an unqualified assessor, or to use an untrained translator.)
- Assessment instruments in the students' home language must be developed and used.
- Evaluation must include assessment of English and home language proficiency.

What are the requirements of special education programs for LEP students?

Any special education program offered to LEP students must be altered to take the student's limited English proficiency into consideration. In addition, the education rights guaranteed all LEP students apply to disabled LEP students as well. Broadly stated these rights require that school districts:

1. Develop an educationally sound program that addresses the students' English language needs.
2. Assure that the students' educational progress is not hindered by their lack of English, and that the program is designed to ensure that they suffer no educational deficits as a result of their lack of English language skills.
3. Provide all the necessary resources, especially a well trained teacher, to ensure that requirements 1 and 2 above are met.
4. Assess the students regularly to ensure that they are actually benefitting from the education method/s being used.
5. Alter the program in an educationally sound manner if the assessment indicates that students are not meeting with success as a result of the education program.

The law does not specifically mandate bilingual education for students who qualify for special education. However, legal and education arguments for a bilingual education approach are even greater for certain handicapped students than for non-handicapped. Developmentally disabled children, for example, would seem to have a compelling legal case for bilingual instruction given their developmental limitations.

For LEP students who qualify for special education, support specialists such as speech and language clinicians must be qualified in the child's native language whenever possible.

What are the requirements for parent notification regarding special education programs?

- Parents must receive notification in their native language before a child is evaluated or reevaluated for special education, and regarding any planned change in placement.
- Actual consent from parents is necessary before a preplacement evaluation and before initial placement.
- Parents must receive information in their native language regarding the evaluation process, and about the program for which the school is asking the parents' consent.
- At the meeting to determine a special education child's education program, there must be an interpreter present who is familiar with special education issues, documents and other materials, so that the parent can provide a meaningful contribution to the discussion of the child's education.

The law provides significant protections to special education students and their parents and we hope parents will keep this in mind as they advocate for the best education possible for their children.

What is compensatory education, also called Chapter I?

School districts in every state receive federal funding to implement programs that provide additional help to students who are achieving significantly below grade level. These programs are called Chapter I or compensatory education programs. Chapter I programs usually provide extra help in reading and math to elementary school students who score below a certain percentile (often the 25th) on a standardized test such as the CTBS (California Test of Basic Skills).

It is important for you to know that your children are entitled to this extra help whether or not they speak English. Some schools deny compensatory education to students who are LEP, a practice which clearly violates the law. Chapter I programs are

designed to help students who are behind in basic academic skills no matter what language the children speak. Having English language needs and being behind grade level in subject areas are two separate issues. They must be evaluated and addressed separately.

Furthermore, under the law, schools are required to take specific steps to ensure that parents, including those who do not speak English, are actively involved in and informed about a schools "compensatory education" program.

LANGUAGE RIGHTS CHECKLIST:

25 Important Questions About LEP Education

In Your Local School District

If the answer to **any** of these questions is **NO** then you should be concerned that your school district may NOT be providing an appropriate education program to your children who are not proficient in English. If you discover that your childrens' rights are not being fulfilled you should work together with other parents to ensure a better education for your children. As a last resort you may wish to seek help from a legal advocacy organization.

1. Are ALL students who are limited in English (LEP students) enrolled in a special program such as a bilingual program?

Yes_____ No_____

2. Do LEP students receive instruction designed especially to teach them English? (called English Language Development, ELD, or English as a Second Language, ESL)

Yes_____ No_____

3. Is the English instruction taught by a teacher?

Yes_____ No_____

4. Does the teacher have a special credential to teach this subject? (Bilingual Credential, Bilingual Certificate of Competence or a Language Development Specialist Credential issued by the Commission on Teacher Credentialling, CTC)[2]?

Yes_____ No_____

[2] Or a CLAD (Crosscultural Language Academic Development), or B/CLAD (Bilingual/CLAD) authorization.

5. Does the district provide training for teachers in methods of teaching English to LEP students?

Yes_____ No_____

6. Does the education program for LEP students provide instruction in the academic subjects in a way that the students can understand?

Yes_____ No_____

7. Does the program provide any instruction in the academic subjects through the home language of the students?

Yes_____ No_____

8. Does a certificated teacher provide instruction in academic subjects to the LEP students?

Yes_____ No_____

9. Is the teacher proficient in the home language of the students?

Yes_____ No_____

10. If not, does the teacher work with an aide who is fluent in the students' home language?

Yes_____ No_____

11. Does the teacher have a special credential to teach academic subjects to LEP students? (a Bilingual Specialist Credential, Bilingual Emphasis, or Bilingual Certificate of Competence issued by the Commission on Teacher Credentialling)[3]

Yes_____ No_____

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[3] Or a CLAD (Crosscultural Language Academic Development), or B/CLAD (Bilingual/CLAD) authorization.

12. As a result of the program are the students learning the level of English they need to achieve academically?

Yes_____ No_____

13. Do the LEP students learn the same academic material at approximately the same rate as the students who are fluent English speakers? (LEP students should not consistently get lower grades and test scores in academic subjects)

Yes_____ No_____

14. Are there as wide a variety of adequate quantities of books and other materials in all subjects for the LEP students as there are for the fluent English speaking students?

Yes_____ No_____

15. Can the school district provide a written explanation of the plan for the education of LEP students and the goal of this program?

Yes_____ No_____

16. Is this information readily available in the native language of the parents?

Yes_____ No_____

17. Do students who move from a bilingual or other specially designed program to a regular classroom program achieve on a par with their English speaking classmates?

Yes_____ No_____

18. Is there a well described and thorough method of assessment to determine when a child who is limited English proficient is ready for an all English academic program?

Yes_____ No_____

19. Does the school have a School Bilingual Advisory Committee consisting in its majority of parents of LEP children (who are not district employees)?

Yes_____ No_____

20. Does the school district have a District Bilingual Advisory Committee?

Yes_____ No_____

21. Are the majority of the members elected by other parents in the school/district who have LEP children?

Yes_____ No_____

22. Do the parent members of the committees control the focus and agenda of the meetings?

Yes_____ No_____

23. Do the committees have the opportunity to review and approve the school and district budgets for LEP education programs?

Yes_____ No_____

24. Does the district provide training for these parents to help them carry out their roles as equal participants on the committees?

Yes_____ No_____

25. Has the district hired any certified bilingual teachers in the last three years?

Yes_____ No_____

COMMENTS:

Where To Turn For Help

There are places where you can obtain help with problems in your local schools. One recourse available to parents is to file a complaint with the California Department of Education (CDE). Such a complaint can take the form of a simple letter which explains the problem in your own words. It helps to have signatures and/or letters from other parents who share your concerns. When the CDE receives a letter of complaint, a consultant from the department will visit your school district to review the program or programs in question. To file a complaint with the CDE write to: California Department of Education, Complaint Department, P.O. Box 94272, Sacramento, CA 94244-2720, Telephone (916) 924-7352.

If you wish to seek legal advice or counseling, there is a legal aid or legal services office in most communities. You can find the legal services office closest to you by calling the State Bar Association and asking for Legal Services. They have Spanish language translators available if you need them. Their telephone number is (415) 561-8200.

M.E.T.A., Inc., Multicultural Education, Training and Advocacy, which produced this booklet, can be contacted directly at: 524 Union Street, San Francisco, CA, 94133, (415) 398-1977, or, 650 University Ave., Ste. 101B, Sacramento,CA 95825,(916) 924-7352. We are available to answer questions, refer you to a local organizations for assistance with problems, consult with such local organizations, and provide training to legal aid and legal services attorneys on education law.

Following is a list of other organizations and individuals which may be able to provide you with information or other assistance.

California Association for Bilingual Education (CABE), 320 West "G" Street, Suite 203, Ontario, CA 91762, (909) 984-6201. Ask for Barbara Carrillo (Spanish speaker).

California Department of Education, Bilingual Office, P.O. Box 94272, Sacramento, CA 94244-2720. (916) 657-2566. Ask for a bilingual consultant.

California Department of Education, Complaint Department, same address, (916) 657-3679.

California Department of Education, Bilingual Compliance Unit, same address, (916) 657-5404. (Contact this department to request a summary of your school district's CCR, Coordinated Compliance Review).

Publications Sales, California Department of Education, P.O. Box 271, Sacramento, CA 95802-0271. Telephone: (916) 445-1260. (Contact them to order copies of the Guide for Bilingual Education Advisory Committees. The cost of the publication is $3.25 each plus sales tax for California residents.

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Schooling and Language Minority Students: A Theoretical Framework. Los Angeles; Evaluation, Dissemination, and Assessment Center, California State University, Los Angeles. (Available through CDE Publication Department, address on page 46).

Bilingual Crosscultural Advisory Panel of the California Commisssion on Teacher Credentialing, "Draft Test Specifications for the CLAD/B CLAD Examinations", 1992.

Legal Authorities

1. Right to education programs which are responsive to students' language needs:

a) 20 U.S.C. 1703 (f) (Equal Educational Opportunity Act of 1974)

b) Office for Civil Rights Memorandum: "Policy Update on Schools Obligation Toward National Origin Minority Students with Limited-English Proficiency (LEP students), Sept 27, 1991

c) Lau v. Nichols, 414 U.S. 563 (1974)

d) Castañeda v. Pickard, 648 F.2d 989 (5th Cir. 1981)

e) Keyes v. School District No.1, 576 F.Supp.1503 (D. Col. 1983)

f) Theresa P. v. Berkeley Unified School District 724 F. Supp. 698 (N.D. Cal 1989)

2. State obligation to protect rights of LEP pupils:

a) Idaho Migrant Council v. Idaho 647 F2 69 (9th Cir. 1981)

b) Gomez v. Illinois 811 F2 1030 (7th Cir. 1987)

c) Comite v. Riles - California Consent Decree (on file, META)

3. General right to be free of discrimination:

a) The "Equal Protection Clause" (14th Amendment) of the U.S. Constitution

b) 42 U.S.C. 2000(d) (Title VI of the Civil Rights Act of 1964)

4. Right to understandable information:

a) "May 25, 1970 Memorandum"; 35 Fed Register 11595

5. Right to appropriate special education testing and programs:

a) 20 U.S.C. 1401 et. seq. (Individual with Disabilities Education Act (IDEA)

b) California Ed.Code Sec. 56019.(j)

c) California Ed. Code Sec. 56324.(a)

d) California Ed. Code Sec. 56727.(4)

Legal Authorities (cont.)

e) Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1986)

f) Donovan v. Riles, (consent decree)(on file at M.E.T.A.)

g) José P. v. Ambach, 3 EHLR 551 (E.D.N.Y. 1979)

6. Special Programs:

a) Federal Chapter 1 (Compensatory Education Program) 20 U.S.C. 2701 et seq.

b) Federal Chapter 1 (Programs for Migratory Children) 20 U.S.C. 2781-2783

c) Gifted and Talented Children 20 U.S.C. 3061-3068